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February 12, 2021

VIA ECF

The Honorable Loretta A. Preska
United States District Court, Southern District of New York
United States Courthouse, Courtroom 12A
500 Pearl Street
New York, NY 10007-1312

Re: Berall v. Verathon, Inc. et al., C.A. No. 1:10-cv-05777-LAP-DCF (S.D.N.Y.)

Dear Judge Preska:

We represent Defendant Teleflex Medical Incorporated (“Teleflex”) in the above-referenced matter. Pursuant to Your Honor’s Individual Practices, Teleflex seeks an order permitting Teleflex to file under seal the following documents:

- An unredacted copy of Teleflex’s Motion for Summary Judgment (“Motion”), filed on February 12, 2021;
- An unredacted copy of Teleflex’s Statement of Undisputed Material Facts (“Statement”), filed on February 12, 2021; and
- Exhibit A to the Declaration of Jonathan R. Wise, filed on February 12, 2021.

The redacted sections of the Motion and the Statement reflect terms of a Confidential Settlement Agreement entered into by Plaintiff, Jonathan Berall (“Settlement Agreement”). Exhibit A is the Confidential Settlement Agreement.

Teleflex and the parties to the Settlement Agreement have agreed to keep its terms confidential. In addition, Berall has marked the Settlement Agreement “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY,” pursuant to the Stipulated Protective Order entered on February 5, 2021 (Dkt. 252.) Moreover, Courts in this district have routinely recognized that settlement agreements are confidential and have ordered that documents referencing the terms of such agreements be filed under seal. *See e.g. Comoosl Corp. et al. v. C-Callon. Inc. et al.*, 11-cv-1922 (S.D.N.Y. May 19, 2011), Dkt. No. 33; *Comoosl Corp. et al. v. C-Callon. Inc. et al.*, 11-cv-1922 (S.D.N.Y. July 25, 2011), Dkt. No. 66; *Seoul Viosys Co., Ltd v. P3 Int’l Co.*, 16-cv-6272, (S.D.N.Y. Sep. 30, 2018), Dkt. No. 164 at 26-27.

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Accordingly, Teleflex respectfully requests that this Court enter an order that its Motion, Statement and Exhibit A to the Declaration of Jonathan R. Wise may be filed under seal.

Respectfully submitted,

By: /s/ Jonathan R. Wise

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cc: All Counsel of Record via ECF

SO ORDERED.

Dated: February 16, 2021
New York, New York


LORETTA A. PRESKA, U.S.D.J.